

City of Corunna
Regular Council Meeting
Monday, May 6, 2002

Present: Corey, Jessen, Johnson, Mehigh, Runyan, Sanderson.

Absent: None.

Guests: Joe Sawyer, City Manager; Janet Washburn, Parks and Recreation Director; Chief Scott Johnson, Fire Department; Jackie Leone, The Argus Press; Helen Granger, The Independent; Millie Taute; Keith Johnson; Shirley Sanderson; Larry LeCureux; Betty Bates; Janeene Cenkush; Judy Horton; Jim Billis; Jerry Parson; Clark Long; Susan & Steve Groll; Tony Szilagyi; and other concerned citizens.

The meeting was called to order in the City Council Chambers by Mayor Corey at 7:00 p.m.

MINUTES OF THE PREVIOUS REGULAR MEETING: Runyan moved, Johnson seconded to approve the minutes of the previous regular meeting as presented.

Roll call vote:

Yes: Johnson, Sanderson, Runyan, Jessen, Mehigh.

No: None.

Motion CARRIED

AGENDA APPROVAL: Johnson moved, Sanderson seconded to approve the agenda as presented with the addition of Item No. 9) Consider Appointment of Mayor Pro-Tem.

Roll call vote:

Yes: Jessen, Runyan, Mehigh, Johnson, Sanderson.

No: None.

Motion CARRIED

Johnson moved, Sanderson seconded to amend the agenda by adding Item No. 10) Consider Poppy Sale Approval for May 9, 10 and 11, 2002.

Roll call vote:

Yes: Sanderson, Mehigh, Johnson, Jessen, Runyan.

No: None.

Motion CARRIED

APPROVAL OF VENDOR DISBURSEMENTS: Mehigh moved, Jessen seconded to approve the vendor disbursements as presented.

Roll call vote:

Yes: Runyan, Jessen, Sanderson, Mehigh, Johnson.

No: None.

Motion CARRIED

POPPY QUEEN - SALE OF POPPIES – BY V.F.W.: Pat Klockziem, Poppy Chairperson from Corunna Veterans of Foreign Wars, introduced the 2002 Poppy Queen, Rosanne Gabriel, who then sold the first poppy to Mayor Corey and the city council.

CALL TO AUDIENCE: Jerry Parsons, 230 S. Mizner Street, stated he had a complaint about junk cars and if license plates were needed. He thought this item was something that was going to be brought up at the meeting, but he did not see the item anywhere on the agenda. Mayor Corey stated he believed the city has a junk car ordinance. He asked Mr. Parsons if he was talking about residential homes. Mr. Parsons advised rental properties. Mayor Corey stated he believed every vehicle has to have a license plate on it and has to be started upon demand by the police department. Mr. Parsons stated he was told by the police department that as long as the owner could get the car running within a certain period of time it did not matter if the license plate was expired or not. He further stated he just wanted some clarification on this because there are four junk cars across the street from his house that he is not real excited about. Mayor Corey stated he would have to refer Mr. Parsons to the police department to have them show him the ordinance. Mayor Corey asked Mr. Parsons if the police department told him the cars do not have to be licensed. Mr. Parsons advised yes. Mayor Corey asked if the cars have been started and moved. Mr. Parsons advised no. He further advised there has been a van sitting across the street for six months, a pickup truck has been sitting there with a flat tire for four months, a jeep Cherokee has been sitting on the property for at least six months to a year, and a Ford Taurus has not been moved for at least a year. Mayor Corey stated he was not sure what the city could do if the cars meet the ordinance. Mr. Parsons stated he has called the police department numerous times and they have done a very good job about contacting the people to explain what has to be done, but absolutely nothing has been done. Mayor Corey asked Mr. Sawyer to review this situation.

Susan Groll asked council if they had any idea when the hockey rink issue would be put on the agenda to discuss the revised proposal. Mayor Corey advised the public cannot put something on the agenda without having a councilperson bring an item to the agenda. Councilperson Jessen advised he would put the item on the next agenda.

Judy Horton asked if anyone had been down to the historical village over the weekend. She advised trees and rose bushes were planted south of the church. She further advised the village really looks nice. She also advised the Owosso Garden Club furnished the money for the plantings.

Betty Bates stated she was asked by a resident on North Brady Street to get some clarification about which numbers start at North Brady Street and South Brady Street. The residents at 110 North Brady Street always get the mail for 110 South Brady Street. Mayor Corey suggested putting something in writing and then send it to the city manager so the city can install the appropriate sign. Mr. Sawyer advised State Street is the dividing line for north and south throughout town. He further advised the city has found that the double-sided reflective aluminum extruded signs are one-half of the cost of the signs that the city has been using.

7:15 P.M. PUBLIC HEARING TO CONSIDER ADOPTION OF ORDINANCE NO. 02-09

MICHIGAN VEHICLE CODE: Johnson moved, Sanderson seconded to leave the regular session and go into a public hearing to consider the adoption of Ordinance No. 02-09 Michigan Vehicle Code.

Roll call vote:

Yes: Mehigh, Jessen, Runyan, Johnson, Sanderson.

No: None.

Motion CARRIED Time was 7:20 p.m.

Joe Sawyer explained the state is asking cities to adopt the Michigan Vehicle Code by ordinance. Mayor Corey read Ordinance No. 02-09. Mehigh moved, Sanderson seconded to leave the public hearing and go back to the regular session.

Roll call vote:

Yes: Johnson, Sanderson, Mehigh, Runyan, Jessen.

No: None.

Motion CARRIED Time was 7:23 p.m.

Mehigh moved, Jessen seconded to adopt the following ordinance:

ORDINANCE NO. 02-09

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CORUNNA BY AMENDING CHAPTER 74 – TRAFFIC AND VEHICLES, ARTICLE I. – IN GENERAL, TO ADD A NEW SECTION, BEING SECTION 74-1, MICHIGAN VEHICLE CODE, WHICH IS THE ADOPTION BY REFERENCE OF THE: MICHIGAN VEHICLE CODE, AND TO PROVIDE FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF.

THE CITY OF CORUNNA, MICHIGAN, ORDAINS:

SECTION I. CODE ADOPTED.

The MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257-1 to MCL 257.923, is adopted by reference.

SECTION II. REFERENCES IN CODE.

References in the MICHIGAN VEHICLE CODE to “Local Authorities”, shall mean the City of Corunna, Michigan.

SECTION III. NOTICE TO BE PUBLISHED AND COPY AVAILABILITY.

This Ordinance shall be published in the Argus Press newspaper, Owosso, Michigan, within seven (7) days after adoption by the Corunna City Council. Copies of this Ordinance may be purchased or inspected in the City Clerk’s Offices, Monday thru Friday, between the hours of 9:00 a.m. and 4:30 p.m.

SECTION IV. PENALTIES.

The penalties provided by the MICHIGAN VEHICLE CODE are adopted by reference, provided, however, that the City may not enforce any provisions of the MICHIGAN VEHICLE CODE for which the maximum period of imprisonment is greater than 93 days.

SECTION V. EFFECTIVE DATE.

This Ordinance shall take effect pursuant to the Corunna City Charter, immediately upon publication hereof.

Roll call vote:

Yes: Johnson, Sanderson, Runyan, Jessen, Mehigh.

No: None.

Motion CARRIED

EXECUTIVE SESSION: Mehigh moved, Sanderson seconded to leave the regular session and go into executive session under attorney-client privilege to review correspondence from corporate council Richard Burlingame in regards to Silverwood, L.L.C. versus City of Corunna.

Roll call vote:

Yes: Jessen, Runyan, Mehigh, Johnson, Sanderson.

No: None.

Motion CARRIED Time was 7:28 p.m.

Mehigh moved, Jessen seconded to leave the executive session and go back to the regular session.

Roll call vote:

Yes: Runyan, Jessen, Sanderson, Mehigh, Johnson.

No: None.

Motion CARRIED Time was 7:55 p.m.

Mr. Sawyer advised council reviewed the legal opinion on the current lawsuit filed against the city in regards to the denial of a Zoning Board of Appeals issue. Prior to council taking any type of action on this issue, he would like to bring forth an Administrative Order that he drafted today, which could have impact on how council chooses to deal with the lawsuit.

Mr. Sawyer proceeded to read the Administrative Order dated May 6, 2002 that he drafted.

He explained the multi-family zoning is the appropriate zoning district for two-family developments, but he believes the city code was being improperly applied because two-family units are distinctively separate and different than multi-family. The definition of a multi-family dwelling means the building contains three or more dwelling units. He further explained the same setback requirements for two-family dwellings should be applied for single-family dwellings. He also explained if this is the case, then this would make the whole Zoning Board of Appeals issue and lawsuit void because it was his belief that the applicant's setbacks are conforming with single-family dwellings and no variance request was necessary. Johnson moved, Mehigh seconded to adopt the Administrative Order dated May 6, 2002 subject to corporate council approval. Councilperson Mehigh asked Mr. Szilagyi if he had any comments for council. Mr. Szilagyi stated in light of this administrative order, he did not have any direct comments. He was in attendance to see what action the council would take. He further stated he thought the project was an excellent project especially with the history of the project site.

Roll call vote:

Yes: Sanderson, Mehigh, Johnson, Jessen, Runyan.

No: None.

Motion CARRIED

CITY MANAGER'S REPORT/PRE-COUNCIL DISCUSSION: Mr. Sawyer reviewed his calendar and manager's report with council and with those in the audience.

CONSIDER ADOPTION OF BARK PARK ORDINANCE NO. 02-10: Runyan moved, Sanderson seconded to refer the adoption of the Bark Park Ordinance No. 02-10 to the Planning and Policy Committee for development of a proposed ordinance.

Roll call vote:

Yes: Mehigh, Jessen, Runyan, Johnson, Sanderson.

No: None.

Motion CARRIED

CONSIDER APPROVAL OF THE SHIAWASSEE COUNTY SOLID WASTE MANAGEMENT PLAN: Mehigh moved, Runyan seconded to approve the following resolution:

**RESOLUTION 05-06-02-01
OF THE CITY OF CORUNNA,
COUNTY OF SHIAWASSEE, MICHIGAN
TO ADOPT A PLAN FOR THE DEVELOPMENT OF THE COUNTY**

WHEREAS: Part 115 of Act 451 of 1994, as amended; indicates that it is the responsibility of the Shiawassee County Board of Commissioner's to create a Solid Waste Management Plan; and,

WHEREAS: The County Solid Waste Management Plan enables the County to

1. control the siting of new or enlargement of existing landfills, transfer stations and solid waste process plants;
2. limit the import of solid waste from other Michigan Counties and export of solid waste from Shiawassee County;
3. insure that facilities are available to handle the non-hazardous solid waste generated in Shiawassee County for the next ten years;
4. develop programs to handle household hazardous waste and to educate the public about pollution prevention and recycling opportunities; and

WHEREAS: The scope and content of Solid Waste Management Plans is both required and limited by Section 11539 of said Act 451; and,

WHEREAS: The Shiawassee County Solid Waste Planning Committee has prepared the Plan in the required format for approval by the Director of the Michigan Department of Environmental Quality; and,

WHEREAS: The Plan has been subjected to a 90 day public comment period leading to a public hearing on October 11, 2001; and,

WHEREAS: The Plan was adopted by the County Board of Commissioners on February 14, 2002; and,

WHEREAS: Section 11536 of Part 115 of Act 451 of 1994 requires that, before the plan may take effect, it be approved by not less than 67% (or 18) of the cities, villages and townships within the County.

THEREFORE BE IT RESOLVED, that the City of Corunna approves the Shiawassee County Solid Waste Management Plan: June 2001 as adopted by the County Board of Commissioners.

BE IT FURTHER RESOLVED, that the City Clerk is asked to mail a copy of this resolution to the Shiawassee County Planning Department at 201 N. Shiawassee St., Corunna, MI 48817.

Roll call vote:

Yes: Johnson, Sanderson, Mehigh, Runyan, Jessen.

No: None.

Motion CARRIED

CONSIDER RESCINDING THE FOURTH OF JULY PARKING CHARGE IN MCCURDY

PARK: Mehigh moved, Sanderson seconded to rescind the McCurdy Park Fourth of July Parking Charge, and instruct the city manager to coordinate with the Fourth of July Commission and a Fund Raising Event Sponsor for the organization of a Fourth of July Fundraising Event to support the event sponsor, the Fourth of July Commission, and the Parks Improvement Fund as per the 2002/2003 city budget.

Roll call vote:

Yes: Johnson, Sanderson, Runyan, Jessen, Mehigh.

No: None.

Motion CARRIED

CONSIDER APPOINTMENT OF ARNIE JESSEN TO THE FIRE BOARD: Councilperson

Mehigh asked to have discussion first and there were no objections. He stated Councilperson Jessen would be a fine addition to the fire board, but if council fills that position, then the new councilperson will not have a board to sit on. Councilperson Mehigh further stated he believed that Councilperson Jessen is on the Shiawassee Area Transportation Agency board. Councilperson Jessen advised he would resign from the Shiawassee Area Transportation Agency board. Mayor Corey stated the Economic Development Fund Board has an opening and he thought Councilperson Jessen would be a good fit to the fire board. There will be negotiations coming up and he felt someone new would take a few months to get his or her feet wet. Councilperson Mehigh stated he did not have an objection to the appointment, but he objected to not having anything for the new councilperson. Mayor Corey stated Councilperson Jessen has expressed an interest for the fire board. Councilperson Sanderson stated if this is the case, then can somebody else on the council switch their board. Mayor Corey stated he was not suggesting that it was a good idea to jump boards. The point raised was the new person would not have a board, but the Economic Development Fund Board has an opening and Councilperson Jessen has offered to give up the Shiawassee Area Transportation Agency board. Mayor Corey also stated he

thought it would be helpful to have someone with a few months experience on the fire board. Councilperson Mehig stated when he replaced Deb Bendall, he automatically got all of her boards. He further stated he would prefer to wait until the sixth councilperson is appointed. Johnson moved, Jessen seconded to appoint Arnie Jessen to the Corunna/Caledonia Township Fire Department Board as council representative to complete the term vacated by Robert Ockerman.

Roll call vote:

Yes: Jessen, Runyan, Johnson.

No: Mehig, Sanderson.

Motion CARRIED

CONSIDER APPROVAL OF MDOT CONTRACT 02-5118 (NORTH SHIAWASSEE): Mr.

Sawyer advised the contract was similar to the Kingsley/McArthur Street contract. He further advised it would be advisable to include in the motion to refer the said contract to corporate council for his approval. Mehig moved, Johnson seconded to approve MDOT Contract #02-5118 and authorize the mayor to execute the agreement upon approval of corporate council.

Roll call vote:

Yes: Runyan, Jessen, Sanderson, Mehig, Johnson.

No: None.

Motion CARRIED

CONSIDER WAIVING RESERVATION FEE FOR HEAD START: Jessen moved, Johnson

seconded to waive the Jaycee Pavilion reservation fee of \$50.00 on May 10, 2002 for CACS-Head Start.

Roll call vote:

Yes: Sanderson, Mehig, Johnson, Jessen, Runyan.

No: None.

Motion CARRIED

CONSIDER BULLDOZING OF LEAF AND BRUSH AREA: Mehig moved, Sanderson seconded

to bulldoze the leaf and brush yard at a cost not to exceed \$3,000 and authorize the city manager to execute the project. Mr. Sawyer briefly explained why bulldozing the area was needed. Mr. Sawyer stated he would like to develop a circle drive through the area and put up signs telling people to dump leaves on one side and brush on the other side. This will allow the city to have some good brush piles to create wood chips. Councilperson Mehig stated he and Councilpersons Runyan and Sanderson looked at the area, and he thought \$3,000 to clean up the area was a good buy. Mayor Corey asked if the city was going to continue using the area. Mr. Sawyer advised yes. Councilperson Sanderson stated he noticed there were plastic bags lying around the area and suggested locking the gate and making people pick up a key at city hall. Mr. Sawyer advised he thought cleaning the area would change the whole atmosphere and use to some degree. He further advised if the city has a facility that is functional and presentable, the city might get compliance. People clearly do not have any respect for the area right now, and it is hard to blame the people for ignoring the rules when the city makes people drive through an area like that.

Councilperson Sanderson suggested putting up signs telling people if they are caught leaving bags they will be fined. Mr. Sawyer stated surveillance cameras could easily be

placed in the area, but the first step is to clean up the area. Mayor Corey asked if the plastic bags would be picked up before the area is bulldozed. Mr. Sawyer advised no. The city will have a large berm around the facility since all of the compost will be pushed off to the side and out of the way. Councilperson Runyan asked if all of the debris would be moved to the west. Mr. Sawyer advised yes and also to the south. Councilperson Sanderson asked if the city would be liable if all of the crap goes in the river during a flood. Mr. Sawyer advised yes. Councilperson Jessen asked if the area is in the flood plain. Mr. Sawyer advised yes. Councilperson Jessen stated he thought the elevation could not be raised if the area is in the flood plain. Councilperson Mehig stated he talked to Joe DeCaire at the pancake breakfast about creating a brush pile on part of the 18 acres that Caledonia Township owns because the township uses the area anyway, and the city and township could share the cost of chipping. Councilperson Mehig further stated he would like to pursue this because the township does not have anyplace to take brush to.

Roll call vote:

Yes: Mehig, Jessen, Runyan, Johnson, Sanderson.

No: None.

Motion CARRIED

CONSIDER APPOINTMENT OF MAYOR PRO-TEM: Mehig moved, Johnson seconded to appoint Larry Runyan as Mayor Pro-Tem.

Roll call vote:

Yes: Johnson, Sanderson, Mehig, Runyan, Jessen.

No: None.

Motion CARRIED

CONSIDER POPPY SALE APPROVAL FOR MAY 9, 10 and 11, 2002: Runyan moved, Mehig seconded to grant the Corunna Veterans of Foreign Wars permission to sell poppies on May 9, 10, and 11, 2002 and to waive any fees.

Roll call vote:

Yes: Johnson, Sanderson, Runyan, Jessen, Mehig.

No: None.

Motion CARRIED

CALL TO AUDIENCE: Janet Washburn advised she received an invitation from the county commissioners to attend the countywide meeting and informed council she plans to attend the meeting to find out what the meeting is about. She further advised on Saturday she had to ask the hockey league people to move their cars so the pavilion rental people would have a place to park, and the hockey league people were very cooperative. She also advised the woman from the Z.C.B.J. hall called her last week and informed her the hall is available on December 7, 2002. The rental fee is \$325 or \$350 and the meal range is \$6.00 to \$8.00 depending on the menu. Ms. Washburn stated the city has been penciled in and asked council what they wanted to do. Councilperson Mehig asked if council could authorize Ms. Washburn and Mr. Sawyer to reserve the hall without putting the item on the agenda. Mr. Sawyer advised this would fall within his discretion unless council objected. Council told Mr. Sawyer to do it.

ROUNDTABLE DISCUSSION: Councilperson Mehig advised the ambulance service is beginning

to look promising. Bob Ockerman has been able to meet payroll, and he has done an outstanding job.

Councilperson Runyan stated Councilperson Jessen has turned in a copy of the City of Durand water bill, which advertises the Shiawassee Area Transportation Agency on the bill. Councilperson Runyan further stated he believes the city's next water bill will have the same advertisement.

Mayor Corey stated he received a letter of resignation from Keith Johnson stating he needs to resign from the Zoning Board of Appeals. Mayor Corey asked if this was something that should be put on the next agenda. Mr. Sawyer advised in the past, there has not been council action on commission and board appointments, but it might be appropriate to do motions, and he was surprised that this has not been the city's practice. Mayor Corey suggested putting this item on the next agenda and having the city do a proclamation for Keith Johnson.

ADJOURN: Jessen moved, Runyan seconded to adjourn.

Roll call vote:

Yes: Jessen, Runyan, Mehig, Johnson, Sanderson.

No: None.

Motion CARRIED Time was 8:35 p.m.

STEPHEN COREY, MAYOR

LINDA M. LeCUREUX, DEPUTY CLERK